THE SUBTLE HYPOCRISY OF "DELAY"
Lewis M. Killian

THE INTERPOSITION GAMBIT
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Ian Stevenson

METHODISM AND RACE

FAULKNER ANSWERS

CONTENTS

HYPOCRISY OF DELAY
by Lewis M. Killian 1

THE INTERPOSITION GAMBIT
by Arthur S. Miller 4

FEAR AND DESEGREGATION
by Ian Stevenson 7

LEGAL VERSUS ILLEGAL 9

METHODISTS AND RACE 10

FAULKNER ANSWERS 11

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New South NOTES

Time, delay, patience are words frequently employed in discussions of desegregation. In almost every conversation and article these words crop up in one manner or another. *New South* brings its readers a provocative article by Lewis M. Killian, associate professor of sociology at Florida State University, in which he maintains that hypocrisy and self-deception underlie the plea for delay in desegregating. Mr. Killian lists the reasons given for delay and tells why these reasons are not valid.

In another interesting article, Arthur S. Miller of Emory University's Lamar School of Law, gives a brief history of interposition and demonstrates that this tactic has no legal basis.

New South borrows an article from the *New Republic* in which Dr. Ian Stevenson, a psychiatrist, discusses prevalent attitudes toward desegregation and tells how fear blinds a prejudiced person to the evidence of reason.

Recently, the General Assembly of the Methodist Church reaffirmed its resolution which labels discrimination solely on the basis of race as "unfair and un-Christian." The Assembly also adopted a new resolution recommending that individual churches take voluntary steps to abolish racial bars. This resolution is reprinted in its entirety.

New South also reprints a letter to *The Reporter* in which William Faulkner repudiates statements quoting him as saying he would choose his native Mississippi over the United States.

Rounding out the issue is an editorial from the *Louisville Times* in which legal discrimination versus illegal discrimination is discussed.

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By LEWIS M. KILLIAN

Hypocrisy of "Delay"

In recent months an attitude which can best be called the "position of delay" has come to be identified as the respectable, even liberal, Southern viewpoint on school desegregation. The slogan of those who take this position is, "Give us time — we're not ready." It is not an attitude of defiance toward the Supreme Court or of disagreement with the principle of the Brown decision. Yet, in the long run, the position of delay may prove more detrimental in its effects on eventual compliance than will a posture of defiance.

The position of delay should not be confused with gradualism. Since May 31, 1955, when the United States Supreme Court issued a "gradualist decree," gradualism must be associated with progressive compliance in good faith. Such gradual compliance would begin with small steps, but it would begin soon. The N.A.A.C.P.'s strategy of piecemeal attacks on segregated schools throughout the South is implicitly gradualist. That gradualism now implies acceptance of the decision and progress towards compliance is recognized by the avowed prosegregationists. They can denounce any form of gradualism as readily and violently as they do so-called "extreme" positions.

Undoubtedly some white Southerners pretend to take the delaying position when their real attitude is one of defiance. They hypocrisy of their approach is not subtle at all. It is quite evident to the person who practices it, and is often evident to his audience. But some white Southerners do adopt the position of delay not as a shrewd tactic but as an honest, sincere credo. Here the hypocrisy is subtle indeed, for it rests on a colossal act of self-deception, a failure to analyze logically the probable consequences of delay.

The position of delay contains two main principal premises. One is that, since the South is "not ready" for desegregation, any positive steps towards bringing it about will lead to "grave

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"Our way of living together in America is a strong but delicate fabric. It is made up of many threads. It has been woven over many centuries by the patience and sacrifice of countless liberty-loving men and women. It serves as a cloak for the protection of poor and rich, of black and white, of Jew and Gentile, of foreign and native born. Let us not tear it asunder. For no man knows, once it is destroyed, where or when man will find its protective warmth again." — Wendell L. Willkie.

consequences," "tragic results," and the like. The second premise is that if the status quo is left undisturbed, time and the natural course of events will bring a situation in which the South is "ready" and desegregation can be accomplished easily. If there is any validity to the first premise, it is because it has the nature of a self-fulfilling prophecy. The second premise is logically untenable.

The thinly veiled threat implicit in the usual prediction of "grave trouble" is that of violence and mob action. Those who predict such "trouble" are always careful to deplore it, but even highly placed government officials responsible for enforcing the law indicate that they regard it as inevitable. Verbally they surrender to the mob before it even gathers. What greater encouragement could a violently-disposed minority ask? And how much confidence can law-abiding citizens be expected to place in officials who declare that they are helpless even before they have been challenged? If there will be "tragic consequences" if desegregation is attempted, it will be not because they are inevitable but because the very people who could and should prevent them have told the mob, "Go to it — we can't stop you." Battles are sometimes lost by warriors who expect to win, but they are rarely won by soldiers who expect to lose.

Thus delay justified by this premise hardens resistance, rather than discouraging it. Why, then, assume that delay alone will lead to a dissipation of hard-core resistance to desegregation? The determined prosegregationists are not asking for delay. They are demanding retreat from the principle that segregation is unconstitutional. As long as the legal principle stands, they will be alert to any moves in the direction of turning principle into practice. Even affirmation of the principle will stir them to action. Ministers and schoolmen who have lost their posts for mere verbal approval of the desegregation principle will attest to this. The conflict is a moral one, and the violent fringe will not subside until they either have been overruled by practice or have seen their views become orthodoxy.

Wrong Premise

In the premise that time will solve the problem lurks the assumption, however, that these extremists will die and that succeeding generations will somehow be willing to accept desegregation peacefully. But can we assume that the advocates of segregation would sit idly by while the people they denounce as "subversive," "communistic," and the like teach their children that segregation is *wrong?* There is no evidence that we can. Now that the moral issue of segregation vs. integration has been joined in the courts, the churches, and

Speaking of streetcar segregation, this passage from "The Negro in Virginia," a 1940 Works Progress Administration publication sponsored by the State Conservation Commission, may be of interest:

"Mary Curtis Lee, daughter of Gen. Robert E. Lee, deliberately flouted the law on the same streetcar line. Taking a seat on the Alexandria car in Washington, she refused to move forward when the car crossed the Potomac River into Virginia. At Alexandria she was arrested and conducted to police headquarters, where testimony revealed that she had been guilty of violating the same law before."

the political arena, advocacy of desegregation, now or ever, has become a serious threat to prosegregationists who perceive quite clearly that this is a last-ditch struggle. Right now, people in the Deep Southern states are being attacked not for practicing desegregation but for advocating it. The hard-core prosegregationist bloc in the South will surely take steps to perpetuate itself. Time alone will not eliminate it.

Even without their special pleading, delay in beginning the practice of desegregation will retard, if not preclude, the process of attitude change which is supposed to bring an end to delay. Children will still grow up in a society in which segregation, legal or not, is normal. They will still be able to say, "Segregation is our customary way of life." Whenever it begins, and no matter how long it takes, desegregation will require a painful period of readjustment not just to a new idea but to new patterns of behavior. Those who sincerely plead for delay today are really saying, "Integration must come, but don't let it happen to us!" But delay will only set the stage for one generation after another to utter the same plea.

Yet another premise hidden in the plea for delay is the dream that time will make Negroes, collectively, so acceptable to whites that integration will arouse little resistance. This premise involves, first of all, a flat rejection of the view of the United States Supreme Court, expressed in the Brown decision, that segregation itself makes for inferiority. Those who plead acceptance of the court's decision but argue for delay should face this contradiction in their position. But in addition to being defiant, this argument is utopian. Nowhere in the history of mankind is there evidence to justify the expectation that an aggregate of several million fallible human beings will ever become homogeneously clean, healthy, and well-behaved. Claims that such homogeneity is possible are to be found in the fascist myth of the supermen and the communist myth of the classless society. Even with truly equal opportunity, which they do not have, Negroes, like whites, will continue to have their minority of the lazy, the dirty, the diseased, and the immoral. Yet the existence of this minority is one of the principal arguments for delay. It is this minority which arouses fear and revulsion in the hearts of white parents when they think of de-

(*Continued on page* 12)

THE INTERPOSITION GAMBIT

By ARTHUR S. MILLER

In recent months five Southern states, seeking to avoid the impact of the Supreme Court decision on racial segregation in the public schools, have resurrected the historical doctrine of "interposition." Through this doctrine the state governments "interpose" themselves between the Court and the people of the states. The states are Virginia, Georgia, South Carolina, Alabama and Mississippi.

The basic theory on which this movement rests is the view that the Constitution established a Union of co-equal sovereign states, joined together in a compact under which certain limited powers were delegated to the central government with the bulk being retained by the local state governments. This is the so-called "compact" theory of the Constitution. It is opposed by the other view which holds to the theory that the Constitution was an act of the people generally. Proponents of interposition assert the rights of each state to judge for itself whether an infraction of the compact (the Constitution) has occurred, and to interpose its powers when deemed necessary and in a manner considered best in the circumstances. The federal government is treated as an agent of the states, not as an independent entity.

Today's interpositionists assert that the Supreme Court had no power to rule on questions dealing with education, a matter which they consider to be one of the powers retained by the states and not delegated to the national government. The Court is viewed as an arm of the federal government, and it is denied that it has power to interpret the Fourteenth Amendment so as to apply it to schools.

Historically, there are precedents for "interposition" or, more accurately, for serious acts of opposition to the exercise of power by branches of the national government. For example, in 1798 the legislatures of Virginia and Kentucky enacted Resolutions aimed at what were considered to be the unconstitutional Alien and Sedition Acts. These Acts, a notorious attempt to suppress freedom of expression, were considered to be a "deliberate, palpable and dangerous exercise" of congressional power. Nothing came of these Resolutions, however, since the Acts soon expired by their own terms. Soon thereafter, about the time of the War of 1812, analogous serious opposition to the Embargo Laws grew in New England and led to similar denuciations of federal power by some New England legislatures. Then in 1832 came the

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most serious effort short of secession to block the exercise of federal power: John C. Calhoun and the famous Nullification Ordinance of South Carolina. In this well-known instance the combination of determined action by President Jackson and lack of support by South Carolina's sister states made the Ordinance abortive.

Since the Civil War there have been no other serious examples of opposition to *congressional* power. But American history is dotted with examples of evasion or even defiance of the United States Supreme Court by states, North as well as South. Georgia's running battle for a number of years with the Cherokee Indians and the federal government's power in the Indian reservations is one of the best known of these. After one of the Court's decisions, President Jackson was supposed to have made his oft-quoted statement to the effect that Chief Justice Marshall "has made his decision, now let him enforce it." Similarly, Pennsylvania met an attempted enforcement of a Supreme Court decision with the state militia, and just before the Civil War Wisconsin successfully challenged the Court in disputes over fugitive slaves.

Political

Against that background, both historical and present-day, it is possible to discern the true nature of this movement. In essence, it is a *political* gesture rather than a legal or constitutional gambit, a political move which happens to be phrased in legal terms. Through it the modern interpositionists hopes to do exactly what the authors of the Virginia and Kentucky Resolutions hoped to do: lessen the impact of the exercise of federal power. It was only a distrust of the federal judiciary, largely made up of members of the Federalist party, that led to the use of the Resolutions rather than to an attack on the Alien and Sedition Acts in the courts. Add to that what happened after Calhoun's attempt at nullification — it was followed in 1833 by a watered-down version of the controversial tariff — and it can be seen what the modern interpositionist is driving at. He wants the impact of the Supreme Court's segregation decision lessened, perhaps avoided entirely. He reads history so as to indicate that determined local opposition to federal power has at times resulted in compromises and other watered-down actions.

Not Law

In this, today's interpositionist seems to be on fairly sound ground. But that is politics — not law. Historically, there is no question but that past actions of interposition or nullification have had no legal (or constitutional) effect whatever. Thus it can be said that interposition has no *legal* validity. It may be possible to construct a theoretical argument which puts forth a logically correct but extremely ponderous legal basis for interposition, but the argument leaves too many questions dangling and thus cannot be taken seriously. Important recognition of the lack of legal effect of modern interposition resolutions came in February 1956 when Virginia's Attorney General, J. Lindsay Almond, Jr., issued an opinion which in essence stated such a conclusion.

Politically, however, it has had validity, and perhaps may do so again: when the present battle has been resolved — but not until then — it may be seen that some effect was had on the manner in which the Court decision was implemented. And of course it has another political function: it serves as a ready-made basis for perpetuating office-

A resolution has been passed by the student body of Duke University's woman's college by a vote of 465-192 asserting that principles set forth by the Supreme Court in the school decisions "should be incorporated into the admissions policy of all institutions of higher education, public and private, and specifically in the admissions policy of Duke University."

holders in office or for placing others in public office. Two years after the Court's decision on racial segregation in the public schools the recent observation of Eugene Cook, Georgia's Attorney General, seems accurate: "No man, in my opinion, can be elected to even a minor office on the state level in any of at least five states — Alabama, Mississippi, Georgia, South Carolina, and Florida — unless he commits himself in a forthright and effective manner to support our pattern of segregation." What this means is that the white Southern electorate is demanding racial separation; this in turn leads to such devices as interposition, devices which can be pointed to when election time comes as indicating that the interpositionist is on the "right" side and thus should be elected.

This dual political aspect of interposition means essentially that the legal or constitutional arguments advanced by the interpositionist are to be considered as gambits which are designed to persuade, not lawyers who have some familiarity with the complexities of constitutional law, but the electorate at large. They *sound* good even if they cannot withstand critical legal analysis. And they appeal to deep-set emotions — and that is another reason for the modern interposition movement.

Psychologically, interposition resolutions fulfill a real need. They serve as an outlet for emotions which, since May 1954, have had few chances to vent themselves, emotions which have largely been kept buried. Interposition thus may be viewed as a reflex action of millions of Southerners who feel that their accustomed way of life is being arbitrarily snatched away from them. The spirit of revolt and of defiance springs from the deep wells of disquietude at the many changes which together make up the "new South" — the symbols of status and security, psychologically of major importance in a world in continuing crisis during an age of anxiety, are seen to be departing without perceivable acceptable substitute. For the white Southerner, the unwritten constitution of custom has been violated. This leads to accumulating resentment at the Supreme Court. Interposition is the formalized expression of the disquietude and resentment. Taken all in all, it serves the important function of being an emotional catharisis.

To summarize what has been said: Interposition in the twentieth century is neither a legal nor a constitutional movement; it is doubtful if even its most ardent adherents really consider it to be such. Born in the psychological malaise which was one of the results of the Supreme Court's racial decision, it is a political gambit through the operation of which it is hoped that the social changes required by desegregation can at least be postponed, if not blocked entirely. Viewed in that manner it can be met in the appropriate arena — the legislature and the ballot box, not the courts.

By IAN STEVENSON

Fear and Desegregation

Not only is love blind, but fear and hate cannot see any better. Fear — this can be shown in the laboratory — reduces the capacity to discriminate between somewhat similar, but actually different objects or people. The jittery sentry may shoot his colonel for an enemy sniper. But fear may not only destroy judgment, it brings pain which calls for some relief. We seize hold of something which assures us that the trouble is not in ourselves, but elsewhere. In racial prejudice, these two processes work together. For example, if a white man has trouble finding work, his insecurity may make him quickly conclude that "Negroes are pushing white people out of work," when perhaps no Negroes have even applied for the job he wanted. At the same time the belief that unfair competition from Negroes accounts for his failure restores his self-confidence.

A colleague and I had a startling experience of this when we interviewed approximately 50 people in a small Southern community which was entering a transitional phase in the desegregation of schools. When we talked to the citizens of this area, we did not hear very much about the real economic or social problems connected with desegregation, or about such important matters as the perhaps temporary lowering of standards in the schools, or the inevitably increased economic competition from the many educated and trained Negroes who will soon qualify for jobs. I would say that for many white persons these issues provide rational, albeit self-interested, arguments for delaying or even abandoning desegregation. But we didn't hear about those things. Instead we listened for the most part to heated discourse on the danger of mixed marriages, illegitimacy, and "mongrelization of the race, or to talk about the "basic inferiority of the Negro."

We psychiatrists tend to think of prejudice as a king of mental disorder. For example, it has been shown that persons prejudiced on one issue show prejudice on many other issues also. When asked to solve a number of simple tasks requiring different methods of solution, prejudiced people much more than unprejudiced people, cannot shift flexibly from one method of prob-

This article by Dr. Ian Stevenson, who is a psychiatrist, was originally published in THE NEW REPUBLIC.

In a recent letter to Governor Leroy Collins of Florida, Hamilton Hoge, sales manager for a New York firm manufacturing dress dummies, told the governor that he had been considering moving his business to Florida but "to my surprise I see that you are opposed to desegregation in the university there. I cannot see why a Negro who qualifies is not entitled to be admitted. I think your view is very narrow so I have now decided against moving my firm to Florida."

lem solving to another. Another test demonstrated that prejudiced people actually lack the ablity to discriminate small differences, which I said was a normal accompaniment of fear. The experimenters flashed on a screen a series of drawings of a cat which gradually changed with each drawing until a dog was shown. As this metamorphosis unfolded, the prejudiced persons generally clung to the belief that they were seeing a dog. The prejudiced person can't believe his own eyes.

If then prejudice is a kind of mental disorder, how can we reduce it? Fortunately, we have some grounds for optimism. In the first place, whatever diminishes fear and the sense of failure lessens prejudice. These times of prosperity make a scapegoat for failure less necessary and should allow the attachment for Negro and white — which exists all the time underneath the fear and suspicion — to reach expression.

Educational measures can help some. We psychiatrists generally have little confidence in intellectual efforts to counteract strong emotional forces. Still, although prejudices tend to ignore facts, a slow drip of facts can eventually erode even the most granite prejudices.

Of the greatest value in reducing prejudice are personal experiences with the misperceived group. But only certain shared experiences act in this way. I don't think sharing a segregated bus on the way to work is one of them. But often Negro and white work together in some joint endeavor. Then they come to know and respect each other and are astonished afterwards at the imaginary chasm which separated them.

Often one hears it said that you can't legislate prejudice away. Of course you can't, but you can by legislation bring new experiences to people. I believe that psychologically we can think of the Supreme Court's decision on desegregation in the schools as therapeutic. A number of schools have already desegregated as a result of this decision. In the past few years, about 150,000 Negro children have entered newly integrated schools and consequently have had their first contacts with Negro children in a school. Adults will have the same kind of experiences as parks, transportation, and theaters become desegregated. Such experiences prepare the way for further healing of working together.

Does administrative action need to await the slow melting of prejudice?

(*Continued on page* 12)

Legal Versus Illegal

From the *Louisville Times*

No one would argue seriously, we suppose, with the contention of Grover C. Hall, Jr., editor in chief of *The Montgomery Advertiser*, that discrimination against Negroes is an American rather than merely a Southern problem.

But in asserting that thesis the other day in a New York speech, Mr. Hall used some phraseology which, it seems to us, demonstrates in part why so much of the emphasis has been placed on the Southern manifestations of the problem.

He said: "It is a sorrowful but evident fact — not yet adequately grasped or reported by the press — that wherever the Negro migrates in significant numbers he encounters rejection, overtly and legally in the South, covertly and illegally in the North."

What particularly interests us in that sentence is the distinction Mr. Hall makes between the kinds of "rejection" Negroes allegedly encounter. He says it is overt and legal in the South; it is covert and illegal in the North.

What Mr. Hall seems to be saying, although we do not know whether he would agree with our interpretation of his remarks, is that it is the opinion of the majority of the people of the North, as expressed by their laws, that racial discrimination is unjustified and undesirable. Of course, there are instances of discrimination in the North — many of them as brutal and as shortsighted as anything that happens in the South.

The point is that those in the North who perform acts of discrimination must, in Mr. Hall's phrase, do so "covertly and illegally." They do not have the sympathy of most of their fellow Northerners. Therefore, they must act outside the law.

On the other hand, discrimination in the South is, according to Mr. Hall, both out in the open and legal. Those practicing it have the backing of the law and the support of most of their fellow-Southerners, if we assume, as we must, that law is the reflection of the will of the majority.

This, we believe, is an important distinction. Certainly shameful instances of racial discrimination occur in the North. But they occur despite — not with the blessing, implied or otherwise — of the law. It is equally certain that many Southerners are ashamed of discrimination practiced in the name of Southern custom.

Most Americans, speaking nationally, are opposed to discrimination. They have expressed that dislike by denying it the sanction of their laws. That is one of the reasons, we think, the majority gives so much emphasis to discrimination in that part of the country where it is legal.

THE METHODIST CHURCH AND RACE

Adopted by the 1956 General Conference

The teaching of our Lord is that all men are brothers. The Master permits no discrimination because of race, color, or national origin.

The position of The Methodist Church, long held and frequently declared, is an amplification of our Lord's teaching. "To discriminate against a person solely upon the basis of his race is both unfair and unchristian. Every child of God is entitled to that place in society which he has won by his industry and his character. To deny that position of honor because of the accident of his birth is neither honest democracy nor good religion." (The Episcopal Address, 1952 and 1956.)

There must be no place in The Methodist Church for racial discrimination or enforced segregation. Recognizing that we have not attained this goal, yet rejoicing in the progress made, we recommend that discrimination or segregation by any method or practice whether by conference structure or otherwise in The Methodist Church be abolished with reasonable speed. The growing spirit of brotherhood throughout the church strengthens our confidence that under the leadership of the Holy Spirit, we will continue to go forward.

There is a changing racial climate in our world, largely growing out of the teachings of the Christian church. The conscience of society has become increasingly sensitive regarding racial discrimination and injustice. Methodists unite with people of all lands and all faiths in a determined effort to eliminate these unchristian practices. We look to the ultimate establishment of a truly Christian society.

The decisions of the Supreme Court of the United States relative to segregation make necessary far-reaching and often difficult community readjustments throughout the nation. We call upon our people to effect these adjustments in all good faith, with brotherliness and patience. In doing this, all racial groups must be willing to admit their imperfections and seek to correct them. Let these things, however, be done in love lest the cause of Christ suffer at our hands.

It is our desire to accomplish the realization of Christian brotherhood and full participation by all in every aspect of the church's life. We join other people of good will around the world in moving toward the day when all races shall share richly without discrimination or segregation in the good things of life. Therefore, we resolutely go forward with the work begun with respect to race relations in the church and in our world.

In this spirit, we recommend the following:

1. That the institutions of the church, local churches, colleges, universities, theological schools, publishing agencies, hospitals, and homes carefully restudy their policies and practices as they relate to race, making certain that these policies and practices are Christian.

2. That Methodists in their homes, in their work, in their churches, and in their communities actively work to eliminate discrimination on the basis of race, color, or national origin. That parents, teachers and others who work with chil-

"If democracy is to survive, it is the task of men of thought, as well as men of action, to put aside pride and prejudice; and with courage and singleminded devotion — and above all with humility — to find the truth and teach the truth that shall keep men free." — Franklin D. Roosevelt.

dren and youth help create attitudes which make it easy to live in harmony with those of other races.

3. That Methodist churches in changing neighborhoods, rather than seeking new locations, early prepare their people to welcome into their fellowship all races as they become a part of their community.

That our pastors, upon whom rests the responsibility of receiving individuals into church membership, discharge that responsibility without regard to race, color, or national origin.

4. That bishops, district superintendents, pastors, and lay leaders seek ways for the implementation of better fraternal relations between the Central Jurisdiction (Negro) and other jurisdictions where they are adjacent by closer co-operation at annual and district conferences and at local church levels.

5. That Methodists at national and international meetings of the church make provisions for equality of accommodations for all races without discrimination or segregation.

6. That the many racial and national groups which make up our Methodist world fellowship be afforded the opportunity without discrimination to enjoy full participation in all the activities of the church.

Faulkner Answers

In recent weeks, William Faulkner, Nobel Prize-winning author of Mississippi, has been quoted as saying that he would choose the side of Mississippi against the United States if it became necessary to make a choice. These remarks are contrary to earlier statements made by Mr. Faulkner and now have been repudiated.

Mr. Faulkner writes in *The Reporter*:

"From letters I have received and from quotations from it I have seen in *Times* and *Newsweek, I think that some* parts of the interview with me which I gave to the London *Sunday Times* interviewer and which, after notifying me, he made available to you, are not correct; needless to say, I did not read the interview before it went to print, nor have I seen it yet as printed.

If I had seen it before it went to print, these statements, which are not correct, could never have been imputed to me. They are statements no sober man would make, nor, it seems to me, any sane man believe.

The South is not armed to resist the United States that I know of, because the United States is not going to force the South nor permit the South to resist or secede either.

The statement that I or anyone else would choose any one state against the whole remaining Union of States, down to the ultimate price of shooting other human beings in the streets, is not only foolish but dangerous. Foolish because no sane man is going to choose one state against the Union today. A hundred years ago, yes. But not in 1956. And dangerous because the idea can further inflame those few people in the South who might still believe such a situation possible.

Hypocrisy of Delay

(*Continued from page* 3)

segregation. To plead that we must wait until this minority disappears before we begin to desegregate is indeed hypocritical.

Of course, it is not really the undesirable characteristics of this minority to which the true white supremacist objects. He is unwilling to admit any Negro to association on a basis of equal status, no matter what the characteristics of the Negro. Segregation itself is the symbol of his superiority; and the more nearly equal the Negro becomes in "tangible" factors, the more important becomes this "intangible." Therefore to argue that with time and procrastinaton Negroes will become as good as white people, hence making desegregation easier, only alarms and threatens the ardent segregationists.

This is the subtle hypocrisy of delay. Open advocacy of segregation and of a return to the principle of "separate but equal" is an honest position, regardless of what else may be said about it. So also is advocacy of integration, beginning immediately and proceeding slowly but in good faith, although it is dangerous to advocate this in the South today. But the position of delay is inherently dishonest and unrealistic, no matter how sincere and honest may be the people who adhere to it. Unless the delayer is prepared to answer the quesion, "What do you propose to do during the time of delay?" he has not thought through the implications of his position. If he pleads for delay without facing the difficult question, "Delay for what?" he is a victim of the subtle hypocrsy of delay.

Attitudes

(*Continued from page* 8)

The Supreme Court thought otherwise and psychiatrists and other social scientists would agree with them. No one believes any more the old notion that "you can't change human nature." With laws, administrative acts and leadership, you can help a person to change his public behavior before he has changed his attitudes. But no one likes to feel that he isn't doing what he wants to do, so when behavior changes, attitudes tend to fall in line. Otherwise a person can't think that he is acting consistently with his beliefs. A person may say he won't do something, but if it becomes expedient for him to do so, he will. Then he will explain why it was reasonable for him to act the way he did, instead of the way he would.

Polls taken in some communities have indicated strong opposition to desegregation before the event. Yet when the schools actually desegregated, the opposition was silent or almost so. A person's public opinion on a subject usually expresses what he thinks other peopect him to say. He may privately favor desegregation, but publicly oppose it because he thinks everyone else does. In doing this, he may be influenced by a myth of what other people want which may be quite unrelated to what they do want. Demagogues create and sustain such myths often producing an image of solidarity which doesn't exist. My conversations with Southerners have convinced me that many who are not heard from much have latent sympathies with desegregation. It remains for leadership to energize these attitudes.

. . . Unquote

Noteworthy quotes from the press and periodicals

"I think it would be well for the gentlemen loudest in their advocacy of continued segregation, contrary to the supreme court and the district courts, to ask themselves whether or not they are really acting as genuine Americans, or whether they are doing the work of those striving to introduce the principles of atheism and infidelity and the principles of communism into the United States." — Archbishop Joseph Francis Rummel, New Orleans, Louisiana.

▲ ▲ ▲

"In this political summer, the temptation will be great on every level to exploit with greater venom and viciousness the courts as the scapegoat and villain of these times. The bar, as I see it, can render no greater service than to identify such exploitation as the demagoguery that it is and marshal its prestige to arrest this flood of hysteria before it sweeps away the foundations of the very law we are pledged to uphold. No decision of the Supreme Court which has evoked attack or denunciation is beyond the reach of the people to set aside through orderly procedure, if a majority so desires. It is the very fact that a majority might not desire to overturn the court that causes no effort to be made to submit the issue to the people." — Everett L. Looney, Austin attorney and former president of the Texas Bar Association.

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"There is nothing complicated about what we want. We just want the same things other Americans want — the same opportunities, rights and responsibilities."—A Negro teacher quoted in *Look* magazine.

"As soon as the white Southerners begin to realize that the Negro has a new status and that they have to deal with him as an equal individual, the whole problem of desegregation will be much easier for everyone. I think that if this approach is made, the question of whether desegregation is going to take place in a month or a year will be unimportant, because at that point the people in the community, Negro and white, will together decide what is best for them." — Robert E. Carter, assistant counsel for the National Association for the Advancement of Colored People, Legal Defense Fund.

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"By no means of reasoning can we arrive at the conclusion that the South can by any plan of intervention, evasion or pure defiance, nullify the Constitution as interpreted by the Supreme Court." — L. P. McLendon, state educational and legal leader in North Carolina.

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"It was only after study and much concern for the welfare of the youth of our state that the North Carolina Congress of Parents and Teachers, Inc., came to the conclusion that the inherent rights of all children to be educated could be served only through preserving the public schools. Our organization is dedicated to this task. We believe that it is the responsibility of the governor of North Carolina and the members of the General Assembly to furnish the guidance and the methods by which this can be accomplished. Our public schools must be maintained." — The Executive Board of the North Carolina Parent-Teacher Association.

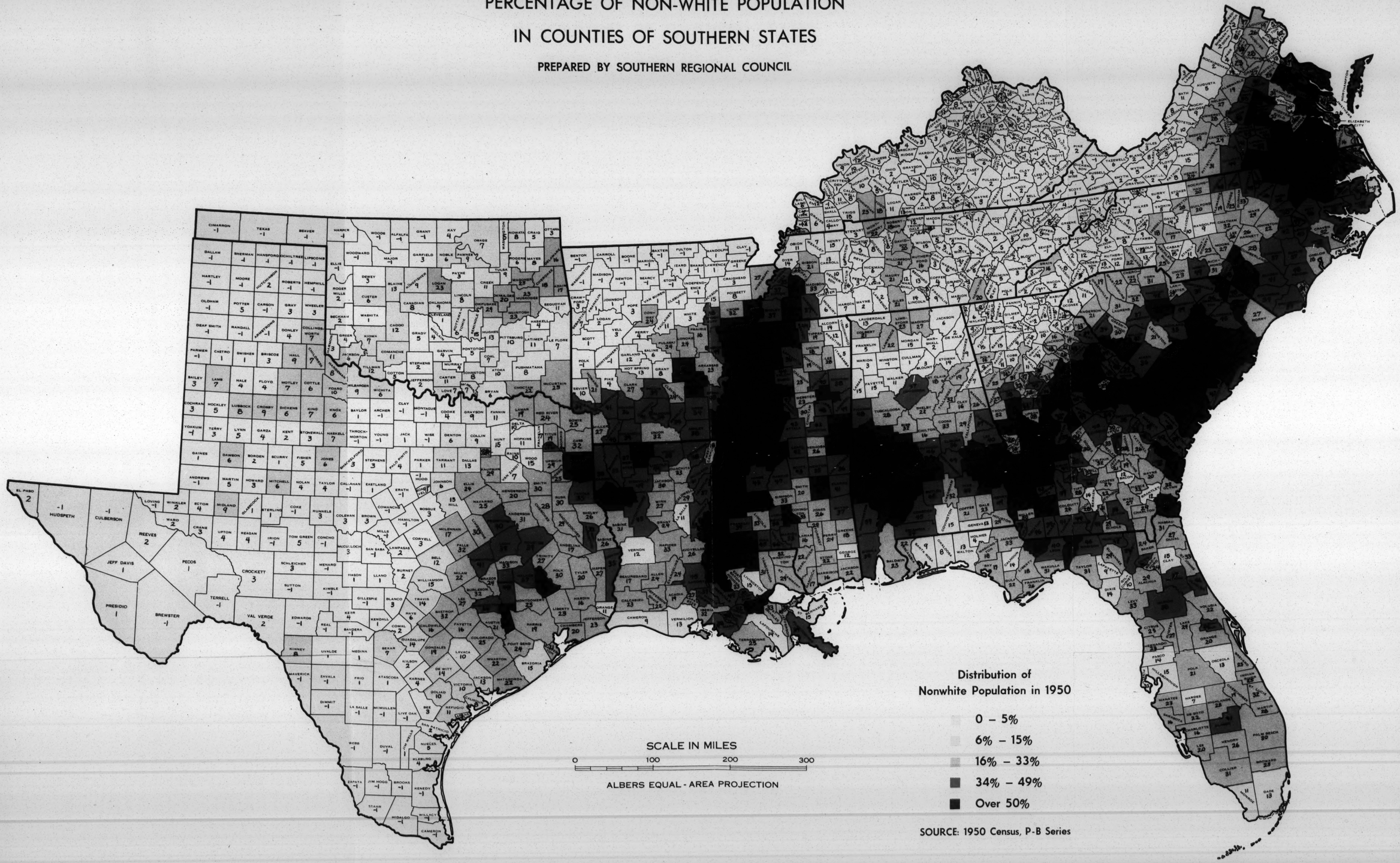
NEXT STEPS IN THE SOUTH

Answers to Current Questions

SOUTHERN REGIONAL COUNCIL
63 Auburn Avenue, N. E.
Atlanta 3, Georgia

PERCENTAGE OF NON-WHITE POPULATION
IN COUNTIES OF SOUTHERN STATES

PREPARED BY SOUTHERN REGIONAL COUNCIL



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THE SCHOOL DECISION AND THE SOUTH

On May 17, 1954, a long period of waiting came to an end. The Supreme Court of the United States spoke the decisive words in a constitutional debate that has stretched across one hundred years of American history. A unanimous court restated the far-reaching question, "Does segregation of children in public schools solely because of race, even though the physical facilities and other 'tangible' factors may be equal, deprive the children of the minority group of equal educational opportunities?" — and replied, "We believe that it does."

There were, in reality, two questions before the court. The first involved a legal and moral principle — Is racial segregation in the public schools compatible with the ideals of our democracy as expressed in the United States Constitution? This the Court answered with a clear and unequivocal "No." In the words of the chief justice, "To separate (Negro pupils) from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone . . .; in the field of public education the doctrine 'separate but equal' has no place."

Many Southerners shared the view that this answer was inevitable. As one Southern daily put it: "No citizen, fitted by character and intelligence to sit as a Justice of the Supreme Court, and sworn to uphold the Constitution of the United States could have decided this question other than in the way it was decided." Even those to whom the decision was distasteful could hardly ignore the fact that it invigorated the cause of democracy throughout the world. For millions of non-white people in other lands it was the most telling evidence yet of the vitality and promise of American leadership in the free world.

But apart from the principle of segregation, there is also segregation in practice, and to this the answer is not simple. Through generations in the South segregation rooted itself deeply in law, in institutions, in customs, and — more important — in the minds and emotions of Southern people. During the last fifteen years, the uprooting has begun in many areas of public life. But the Supreme Court wisely recognized that segregation could not be eradicated from the public schools at a stroke; that skill, and planning for adjustment would be needed.

Many areas, however, are adjusting quickly and easily. Before the decision, segregation in public schools was required in 17 states and the District of Columbia. Two years after the decision, more than 350 school districts in nine of the 17 states had desegregated their public schools. Schools in the nation's capital also were opened to all.

At the end of the two year period, complete resistance continued in only eight states. If nine states can begin adjusting to a changing world and a more democratic society, there should be hope for the eight others. Adjustment in the resisting states will be harder, but eventually the necessary changes will come. In the words of one noted Southern editor, white and Negro citizens have important business together.

Is the Court decision a sharp break with the past?

No. In a very real sense it is a logical outgrowth of the trend in race relations since the end of World War II. In the past ten years or so, racial practices have changed tremendously in the South. Segregation has been gradually but steadily losing ground. Negroes have emerged as voting citizens and, increasingly, as successful candidates for public office. In all but a few Southern states, Negro students have been admitted to state universities. Negro and white Southerners ride unconcernedly together on interstate trains and airplanes. The two races serve side by side in the Armed Forces, many of them at Southern Army camps. And schools now are integrated at military installations even in the South.

Many changes have been initiated by court decisions and executive orders, but many more have been voluntarily introduced. Private colleges, professional baseball teams, public libraries — these are some of the institutions in the South that have begun lowering the color bar in recent years. Since the 1954 decision, instances of desegregation have increased.

The Supreme Court's rulings, like the many events before them, herald no instant or universal changes in racial patterns, but only redefine the goal which our people, white and Negro, are committed to seek in the way of democracy.

What progress has been made toward desegregation?

As pointed out before, public school desegregation has been accomplished to some degree in nine of the 17 Southern states formerly enforcing segregation. Since the school decision, the Supreme Court also has ruled out segregation in public parks and on golf courses, and the number of integrated recreational facilities in the South is slowly growing. Golf courses opened on an integrated basis since the decision include Atlanta, Georgia; Nashville, Tennessee; and Asheboro, High Point, and Thomasville, North Carolina. All state parks in Kentucky and parks in Knoxville, Tennessee, now operate on an integrated basis.

An order from the Interstate Commerce Commission has resulted in the desegregation of railroad waiting rooms in some cities.

Although the ultimate goal of a completely desegregated South is a long way off, individual incidents of progress toward that goal since the Court's school decision are far too numerous to be listed here.

Has desegregation resulted only from legal action?

No. And this is true for cases involving public schools, higher education, and many other fields. As reported, more than 350 school districts integrated within two years after the Court decision. The majority of these schools did so without legal action. More schools are planning integration as soon as a workable plan can be put into action. In areas where local authorities show "good faith" and move with "deliberate speed," legal action is unnecessary.

Did the Court order immediate, sweeping changes?

No. In the May 31, 1955, decision, the Court took into account the wide range of community conditions, acknowledging that "full implementation of these constitutional principles may require solution of varied local problems." The Court made it clear, however, that the "vitality of these constitutional principles cannot be allowed to yield simply because of disagreement with them."

The meaning of the implementation ruling is contained in the key phrases "equitable principles," "good faith compliance," "practical flexibility," "prompt and reasonable start," and "deliberate speed." All these phrases indicate that, although the Court is firm as to the constitutional principles involved, it allows a community to work out a solution in accordance with local conditions as long as the plan is in "good faith."

Did the decision "set back" race relations?

This is an assertion heard often in the South since the decision, but it has little real validity. True, the decision and reactions to it have created tension and unrest in parts of the South. But formerly, "racial harmony" had been based on the unprotesting acceptance by Negroes of inferior status. The healthier pattern which is emerging is based on mutual respect and equal treatment of all persons instead of the paternalism of the past. The fact that a substantial amount of desegregation has taken place in the South since the decision indicates that a large part of the South is beginning to experience truly democratic race relations.

Can the decision be ignored or nullified?

Not indefinitely. It is true that popular fear of desegregation is being exploited in the deep South states by politicians and the Klan-like White Citizens Councils; but it also is clear that with legal segregation out, resistance tactics eventually will fail.

Interposition and the private school plan are the foremost weapons of pro-segregationists. Interposition, according to leading authorities, has no legal force and so is useless. Virginia is one of the states which has passed an interposition resolution; and since that time, Char-

lottesville, and Arlington County, Virginia, have been ordered to integrate schools without delay. If the courts do not recognize interposition, how can this plan nullify the decision?

And again, the ultimate question about the private school plan is: Will it hold up in Court? Such authorities on constitutional law as Dean Robert A. Leflar of the University of Arkansas Law School and Dean John T. Fey of the George Washington University Law School have studied the question. Their findings indicate that private school plans, like other devices for circumventing the law, will ultimately be declared unconstitutional. The question is, how big a price — in terms of public funds, educational opportunity, and good citizenship — are the people of the deep South willing to pay in order to delay the inevitable?

Is there a "solid South"?

No. Contrary to popular belief, the South is not all of a piece, even in racial attitudes. In geography, in economy, in history, in tradition — even in speech — there are various "souths." In some parts of the region the two races have grown into new, more democratic relationships comparatively quickly and easily. In other parts, the old ways persist for a long time after law and custom have changed elsewhere in the South.

A glance at the map inserted in the front of this booklet will provide an important key to the variations in Southern race relations. The darkly shaded counties across the deep South, where Negroes make up 50 per cent or more of the population, have come to be known as the "black belt." There, slavery and plantation agriculture left their heaviest stamp on racial attitudes and practices. And there, as might be expected, resistance to changes in racial patterns is greatest.

If one were to make a green mark on a map of the South for each example of desegregation, school or otherwise, which has taken place since the Court decision, the deep South would be surrounded by green dots. The area with the fewest green dots would correspond roughly with the "black belt."

The density of the Negro population is no absolute yardstick. Many other factors are important: urbanization, the quality of local leadership, economic and political arrangements, and the mixture of memory and habit which gives a community its unique traditions. But the Negro-white ratio is a handy index to the adjustment, psychological as well as practical, required by the Supreme Court's decision. As Southerners nurtured on legend and folklore, we can benefit from a clear-sighted view of the South as a region of great and growing diversity. It is particularly useful to recognize that almost half of the counties in the South have 10 per cent or less Negro population; that only one-fifth of Southern counties have 40 per cent or more. This Negro-white ratio is important in banishing the idea of a "solid South."

What have church groups said?

The overwhelming majority of religious leaders and official church bodies greeted the decision in the spirit of this statement by the Southern Baptist Christian Life Commission: ". . . we urge Christian statesmen and leaders in our churches to use their leadership in positive thought and planning to the end that this crisis in our national history shall not be made the occasion for new and bitter prejudices, but a movement toward a united nation embodying and proclaiming a democracy that will commend freedom to all peoples."

Since the decision, all major church bodies have passed resolutions praising the decision; and many, after being attacked by segregationists, have reaffirmed their faith in the decision.

Various individual church leaders and ministers have also called for "good faith compliance." Some pastors have surrendered their pulpits rather than suppress or renounce their conviction that segregation is un-Christian.

Has integration worked in higher education?

Yes. In fact, the admission of Negroes to formerly all-white colleges and universities in recent years is one of the most impressive examples of desegregation ever recorded. Since 1935, some 164 accredited colleges and universities in Southern and border states and the District of Columbia have opened their doors to Negroes. In every instance included in this total, the adjustment was made without a single serious incident.

The widely publicized disturbance at the University of Alabama protesting the enrollment of Miss Autherine Lucy was notable not because it was a typical reaction, but because it was unique.

It is also notable that of the 164 formerly white institutions now open to Negroes, 95 have newly desegregated at some level since May 1954.

Does the decision have meaning only for the South?

The legal effects of the decision are felt in the 17 states in and adjoining the South which enforced school segregation by law in 1954. But the spirit of the decision applies with equal force to many places outside the South where school children are largely segregated by custom, housing patterns, and administrative arrangements.

The existence of segregated neighborhoods continues to produce segregated schools in non-Southern cities. In recent years, however, a strong trend toward integration has developed. New Jersey, Indiana, and Illinois have taken steps to root out segregation where it has been practiced in disregard of state laws. And in other states, communities have moved voluntarily to desegregate their schools. This trend is the result of various forces: the war-inspired concern for minority rights; action by Negroes themselves, human relations agencies,

church and civic groups, enlightened school administrators and public officials; and the growing realization that it is often cheaper to integrate than to provide new or improved facilities for Negro pupils. The Supreme Court's school decisions have focused attention on extra-legal segregation in the North and West and have stimulated efforts to eliminate it in many communities.

Do mixed schools lead to mixed marriages?

This is perhaps the most common argument advanced against integrated schools — just as it was advanced against Negro voting in the Democratic primary, integration in higher education, and the other gains in race relations during the last 25 years. Yet there is little evidence to sustain such an argument. Even in states where there has never been legal segregation — in schools or otherwise — intermarriage is extremely rare. In the South, where intermarriage is opposed by both law and custom, integration in schools or other public institutions is hardly likely to change the existing pattern.

The fear of intermarriage is largely irrational, since there can never be a law or a court decision forcing persons to marry against their will. Marriage is and will remain a matter of personal choice, as are all purely social relationships.

Perhaps the most sensible comment ever made on the subject came from a University of South Carolina student who attended a Ku Klux Klan rally out of curiosity. A Klan spokesman raised the age-old question, "Would you want your sister to marry a Negro?" To which the student replied, "She can say no, can't she?"

Will Negro teachers lose their jobs in an integrated school system?

Unquestionably integration will cause some displacement of Negro teachers, as it already has to a limited extent. However, a wholesale discharge of Negro teachers is unlikely for several reasons.

First, there is the inevitable fact that many Negro schools will continue to serve Negro pupils, even in a framework of legal integration. Presumably the faculties of these schools will continue to be staffed primarily by Negro teachers.

Second, it is difficult to see how the present number of Negro teachers would be replaced. More than 70,000 Negroes are teaching in the Southern and border states, and the number of school children is increasing by leaps and bounds. In August of 1956, just before the opening of schools, principals reported a shortage of up to 20 teachers in some schools in the South.

Third, in some Southern states, teachers are protected by state tenure laws. Of course, some states are doing away with tenure laws and some Negro teachers have lost jobs in states which have integrated since the decision. Court cases loom, however. And the outcome of litigation concerning tenure laws is as important to white teachers as it

is to Negroes since, as the Kentucky Council on Human Relations says, "If the tenure laws can be avoided today because of color of skin, then they can be violated tomorrow because of color of eyes or political color."

Finally, the South may show a surprising capacity to adjust to teacher integration. It is nothing new in the South for white children to be placed in the care of Negroes — care that has included as much "instruction" as any teacher-pupil relationship. Substituting a qualified teacher for a trusted, if little-educated servant, is hardly a revolutionary step, as the experience of many desegregating school systems has already demonstrated.

Can children adjust to integrated schools?

There is much truth in the saying that if school integration were left to the children there would be no problem. Children are born without prejudice and only acquire it through constant exposure to the attitudes of grownups. As all previous experience indicates, children of different races adjust to each other quickly and naturally when given half a chance. Most Southerners can find confirmation in their own childhood, when they accepted playmates of the other race without a thought.

However, adults — particularly parents and teachers — often transmit their feelings to the children without realizing it. In this sense, then, the largest part of the adjustment will have to be made not by children, but by their elders.

Are Negroes biologically inferior to white persons?

No. Scientists tell us that all men have the same basic characteristics as their common ancestors, and that the structure of people of all races is the same. We differ only in certain superficial features — such as skin color, hair, shape of eyes, etc. — and these physical variations are found among members of the same race as well as among those of different races. The myth of inborn racial superiority is often based on "blood lines." Science tells us that blood has nothing to do with heredity and that the four different types of human blood exist in all races. In fact, the percentages of blood types for Negro Americans are very close to the percentages for white Americans. No connection has been found between the biological make-up of people and the level of their intelligence or culture.

Is it reasonable to delay integration because Negroes have a higher crime and disease rate?

This objection disregards the whole point of the Supreme Court's decision — that is, Negro school children have the right to be treated as individuals instead of being set apart because of the accident of skin color. The unfairness of the group-achievement approach can be

illustrated in many ways. For example, white Southerners *as a group* have a higher rate of crime and disease than whites elsewhere. Yet who would suggest that all Southerners should be segregated from their fellow Americans?

Once the blinders of prejudice are removed, the following points are clear:

(1) Crime and disease are largely products of environment, not of race. Slums and poverty breed germs and immorality, whatever racial group may occupy them.

(2) The Supreme Court did not say that every Negro child must be admitted to any school he chooses. It said that a Negro child could not be excluded from a school solely because of his race. Every modern school requires a medical examination before enrolling a pupil; no child with an infectious disease, white or Negro, is or should be enrolled. Children who are diseased, academically retarded, or prone to criminal behavior can be set apart by a school system that wants to do so — provided that race is not the measure.

Does integration inevitably lower academic standards?

The problem here, again, is not racial but socio-economic and educational. Academic standards tend to be lower in communities with poorer environments. Also many Negro pupils lag because of the inferior schooling they have received in segregated school systems. Tests by the United Nations Educational, Scientific and Cultural Organization revealed the fact that there is a wide range of intellectual ability within each racial, religious, and national group. In the U. S., the study reports, some groups of Negro recruits from the North were found to be more literate than some groups of whites. A study of children of white Southern mountaineers who had moved to Cincinnati, Ohio, revealed quite an educational gap between them and the city children. It was found, however that although the mountain children lacked the cultural background to facilitate learning, they did have the ability to learn. Such studies have shown that when either group, white or Negro, is placed in a superior economic and educational environment, the average score on mental tests tends to rise; when either group lives in an inferior economic and educational environment, the scores tend to remain low. Dr. Tilman Cothran, chairman of the Department of Sociology at A. M. and N. College at Pine Bluff, Arkansas, contends that integration will tend to raise overall educational standards of the South since it is a matter not of downgrading students who already have high educational standards, but one of upgrading students who have lacked proper educational opportunities.

Do Negroes want desegregation?

Nobody can speak for all Negroes, just as no one can speak for all whites, or all Americans, or all people with blue eyes. But certainly

desegregation has strong support among Negroes. Negro teachers' associations, for example, have consistently voted to uphold the Supreme Court decision. It is unlikely that these people would vote for something they didn't want. Negroes, north and south, compose the bulk of the membership of the National Association for the Advancement of Colored People. These people would hardly support an organization dedicated to integration of the schools if they were not in agreement with its purpose. The innermost demand of the Negro people is recognition of equal human dignity, and opening the schools contributes toward satisfying that need.

Who are the "extremists"?

The general hullabaloo about moderates and extremists only serves to lead thought away from the real purpose of the Supreme Court decree. It is clear that as long as the principle of the Court's decision is rejected, regardless of how calm or "moderate" the tone of rejection, a democratic solution to the problem is impossible. Also, no one who advocates compliance in good faith with the Court's decision can be validly called an "extremist."

How can school planning reflect the views of the whole community?

No one thing can contribute more to harmonious adjustment to the decision than full participation by Negroes in the planning and administration of local school systems. As Dr. Benjamin E. Mays has said, "If one racial group makes all the laws and administers them, holds all the power and administers it, and has all the public money and distributes it, it is too much to expect that group to deal as fairly with the weak, minority, non-participating group as it deals with its own." In the case of schools, able Negro representation on boards of education is a long step toward agreement and mutual confidence between the races.

A growing number of Southern communities has recognized this principle. Among the cities that have elected or appointed Negroes to their school boards in recent years are Nashville and Knoxville, Tennessee; Raleigh, Winston-Salem, Salisbury, and Greensboro, North Carolina; Augusta and Atlanta, Georgia. Following the Supreme Court decision, Gainesville, Georgia, added two Negro members to its school board. In addition, in 1955 West Virginia appointed a Negro, Carl Hairston, as assistant state superintendent of schools.

Of course, race alone should not be the measure of any public servant. As the *Greensboro Daily News* put it:

> The *Daily News*, while believing strongly in Negro representation on public agencies and bodies, has not believed that appointment should be made on a racial basis *per se*. First of all should come qualifications, ability to serve in any given capacity, and vision wide enough to transcend any particular bounds in overall service and accountability. What we have contended is that Negro representation could and should be found on this basis . . .

Can interracial citizens' committees assist desegregation?

In many places this is the best way in which people of the two races can begin immediately to work together on constructive next steps. Since the Supreme Court issued its ruling, a number of interracial committees have been established in the South; and where the committees have been genuinely representative, progress has been made.

As Dr. A. Lee Coleman of the University of Kentucky School of Sociology says, a committee must have genuine determination to meet the real problem if it is to be effective. The principal functions of a committee, as Dr. Coleman sees them, are (1) to secure greater representation of the various groups and elements in the community; (2) to get more of the responsible, respected people of the community to face the issues and share the responsibility for the decisions made; and (3) to help "sell" and carry out the policy that is adopted.

Interracial committees of a private or advisory nature have performed invaluable service in many of the schools that have integrated since the decision, and they will no doubt continue to provide sound leadership in other communities. But they cannot be viewed as substitutes for Negro representation on official policy-making bodies.

What can parents and teachers do through their organizations?

PTAs and teacher organizations, once segregated, are following the lead of schools in their districts and state. For instance, the Kentucky white and Negro PTAs in 1956 voted to merge. White and Negro parents no longer have separate concerns; they have the welfare of their children and the overall quality of their school systems in common. Even though a substantial amount of segregation in fact may continue for a long time to come, the legal framework has changed and, with it, the long-range goal of public schooling in the South. This means that parents, as in the case of Kentucky, should in the interest of their children begin to think and plan together across the lines of race for the best possible public education.

What is true for parents is also true for teachers, with the added fact of common professional interests. The problems and progress of white and Negro teachers have been drawing closer together in recent years. With qualifications, salaries, and working conditions approaching equality, the two teacher groups have begun to look at their profession through the same spectacles. What hurts one hurts the other; what benefits one benefits the other.

One way for parents' and teachers' organizations to start is by setting up joint committees between white and Negro groups. This will provide a common ground on which unity and cooperation can grow at whatever rate the local situation permits.

What is the role of discussion groups?

Joint discussion, fact-finding, and planning by local people of both races are the hallmarks of healthy community change in the South. Discussion groups for these purposes, which have already demonstrated their effectiveness in many Southern communities, are now needed more than ever.

The first objective of such a group should be a frank exchange of opinions. There must be ample opportunity for the members of the group to gain a sympathetic understanding of their respective points-of-view.

Once attitudes and views have been shared, the group can address itself to the facts about the local school system. For example, what are the local effects of state laws and policies? Which schools will likely be affected by the terms of the Supreme Court decision? How many pupils, teachers, and classrooms are involved? How are school-district lines drawn? How is the matter of integration related to such broader educational questions as school financing, transportation, overcrowding, teacher training and supply, curricula, textbooks, and so on?

Armed with the facts, the discussion group is equipped to work constructively with its school superintendent and board of education. Since most people feel strongly about the schools their children attend, education authorities are particularly sensitive to public opinion. So it is especially important for forward-looking citizens to express interest in the problems and progress of their school system. Most school officials will welcome positive criticism, suggestions, and support by people who understand the practical problems faced by the policy-maker and administrator.

Clearly local discussion groups that have reached informed agreement between people of both races can make a most valuable contribution in this time of challenge and adjustment.

Are there other things we can do in our communities?

As church members, we can recognize the special obligation of religious groups to create sound parental attitudes toward school integration. The churches can do more than any other institution to spread awareness that children must not be made to suffer the effects of adult prejudice.

As citizens, we can work for impartial and effective law enforcement in the event of racial tension in the community.

As members of civic groups, service clubs, labor organizations, and the like, we can help bring the policies of our groups in line with the spirit of the Court decision and we can support enlightened action by public officials and help foster a healthy climate of opinion.

As parents, we can urge that our school systems be reshaped to provide the most and the best education to every child, irrespective of race.

THE SCHOOL DECISION

BY

THE U. S. SUPREME COURT

May 17, 1954

Mr. Chief Justice Warren delivered the opinion of the Court.

These cases come to us from the States of Kansas, South Carolina, Virginia, and Delaware. They are premised on different facts and different local conditions, but a common legal question justifies their consideration together in this consolidated opinion.

In each of the cases, minors of the Negro race, through their legal representatives, seek the aid of the courts in obtaining admission to the public schools of their community on a nonsegregated basis. In each instance, they had been denied admission to schools attended by white children under laws requiring or permitting segregation according to race. This segregation was alleged to deprive the plaintiffs of the equal protection of the laws under the Fourteenth Amendment. In each of the cases other than the Delaware case, a three-judge federal district court denied relief to the plaintiffs on the so-called "separate but equal" doctrine announced by this Court in *Plessy v. Ferguson,* 163 U. S. 537. Under that doctrine, equality of treatment is accorded when the races are provided substantially equal facilities, even though these facilities be separate. In the Delaware case, the Supreme Court of Delaware adhered to the doctrine, but ordered that the plaintiffs be admitted to the white schools because of their superiority to the Negro schools.

The plaintiffs contend that segregated public schools are not "equal" and cannot be made "equal," and that hence they are deprived of the equal protection of the laws. Because of the obvious importance of the question presented, the Court took jurisdiction. Argument was heard in the 1952 Term, and reargument was heard this Term on certain questions propounded by the Court.

Reargument was largely devoted to the circumstances surrounding the adoption of the Fourteenth Amendment in 1868. It covered exhaustively consideration of the Amendment in Congress, ratification by the states, then existing practices in racial segregation, and the views of proponents and opponents of the Amendment. This discussion and our own investigation convince us that, although these sources cast some light, it is

not enough to resolve the problem with which we are faced. At best, they are inconclusive. The most avid proponents of the post-War Amendments undoubtedly intended them to remove all legal distinctions among "all persons born or naturalized in the United States." Their opponents, just as certainly, were antagonistic to both the letter and the spirit of the Amendments and wished them to have the most limited effect. What others in Congress and the state legislatures had in mind cannot be determined with any degree of certainty.

An additional reason for the inconclusive nature of the Amendment's history, with respect to segregated schools, is the status of public education at that time. In the South, the movement toward free common schools, supported by general taxation, had not yet taken hold. Education of white children was largely in the hands of private groups. Education of Negroes was almost nonexistent, and practically all of the race were illiterate. In fact, any education of Negroes was forbidden by law in some states. Today, in contrast, many Negroes have achieved outstanding success in the arts and sciences as well as in the business and professional world. It is true that public education had already advanced further in the North, but the effect of the Amendment on Northern States was generally ignored in the congressional debates. Even in the North, the conditions of public education did not approximate those existing today. The curriculum was usually rudimentary; ungraded schools were common in rural areas; the school term was but three months a year in many states; and compulsory school attendance was virtually unknown. As a consequence, it is not surprising that there should be so little in the history of the Fourteenth Amendment relating to its intended effect on public education.

In the first cases in this Court construing the Fourteenth Amendment, decided shortly after its adoption, the Court interpreted it as proscribing all state-imposed discriminations against the Negro race. The doctrine of "separate but equal" did not make its appearance in this Court until 1896 in the case of *Plessy v. Ferguson, supra,* involving not education but transportation. American courts have since labored with the doctrine for over half a century. In this Court, there have been six cases involving the "separate but equal" doctrine in the field of public education. In *Cumming v. County Board of Education,* 175 U. S. 528, and *Gong Lum v. Rice,* 275 U. S. 78, the validity of the doctrine itself was not challenged. In more recent cases, all on the graduate school level, inequality was found in that specific benefits enjoyed by white students were denied to Negro students of the same educational qualifications. *Missouri ex rel. Gaines v. Canada,* 305 U. S. 337; *Sipuel v. Oklahoma State Regents,* 339 U. S. 637. In none of these cases was it necessary to re-examine the doctrine to grant relief to the Negro plaintiff. And in *Sweatt v. Painter, supra,* the Court expressly reserved decision on the question whether *Plessy v. Ferguson* should be held inapplicable to public education.

In the instant cases, that question is directly presented.

Here, unlike *Sweatt v. Painter,* there are findings below that the Negro and white schools involved have been equalized, or are being equalized, with respect to buildings, curricula, qualifications and salaries of teachers, and other "tangible" factors. Our decision, therefore, cannot turn on merely a comparison of these tangible factors in the Negro and white schools involved in each of the cases. We must look instead to the effect of segregation itself on public education.

In approaching this problem, we cannot turn the clock back to 1868 when the Amendment was adopted, or even to 1896 when *Plessy v. Ferguson* was written. We must consider public education in the light of its full development and its present place in American life throughout the Nation. Only in this way can it be determined if segregation in public schools deprives these plaintiffs of the equal protection of the laws.

Today, education is perhaps the most important function of state and local governments. Compulsory school attendance laws and the great expenditures for education both demonstrate our recognition of the importance of education to our democratic society. It is required in the performance of our most basic public responsibilities, even service in the armed forces. It is the very foundation of good citizenship. Today it is a principal instrument in awakening the child to cultural values, in preparing him for later professional training, and in helping him to adjust normally to his environment. In these days, it is doubtful that any child may reasonably be expected to succeed in life if he is denied the opportunity of an education. Such an opportunity, where the state has undertaken to provide it, is a right which must be made available to all on equal terms.

We come then to the question presented: Does segregation of children in public schools solely on the basis of race, even though the physical facilities and other "tangible" factors may be equal, deprive the children of the minority group of equal educational opportunities? We believe that it does.

In *Sweatt v. Painter, supra,* in finding that a segregated law school for Negroes could not provide them equal educational opportunities, this Court relied in large part on "those qualities which are incapable of objective measurment but which make for greatness in a law school." In *McLaurin v. Oklahoma State Regents, supra,* the Court, in requiring that a Negro admitted to a white graduate school be treated like all other students, again restored to intangible considerations: ". . . his ability to study, to engage in discussions and exchange views with other students, and, in general, to learn his profession." Such considerations apply with added force to children in grade and high schools. To separate them from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone. The effect of this separation on their educational opportunities was well stated by a finding in the Kansas case by a court which nevertheless felt compelled to rule against the Negro plaintiffs:

"Segregation of white and colored children in public schools has a detrimental effect upon the colored children. The impact is greater when it has the sanction of the law; for the policy of separating the races is usually interpreted as denoting the inferiority of the Negro group. A sense of inferiority affects the motivation of a child to learn. Segregation with the sanction of law, therefore, has a tendency to retard the educational and mental development of Negro children and to deprive them of some of the benefits they would receive in a racially integrated school system."

Whatever may have been the extent of psychological knowledge at the time of *Plessy v. Ferguson,* this finding is amply supported by modern authority. Any language in *Plessy v. Ferguson* contrary to this finding is rejected.

We conclude that in the field of public education the doctrine of "separate but equal" has no place. Separate educational facilities are inherently unequal. Therefore, we hold that the plaintiffs and others similarly situated for whom the actions have been brought are, by reason of the segregation complained of, deprived of the equal protection of the laws guaranteed by the Fourteenth Amendment. This disposition makes unnecessary any discussion whether such segregation also violates the Due Process Clause of the Fourteenth Amendment.

Because these are class actions, because of the wide applicability of this decision, and because of the great variety of local conditions, the formulation of decrees in these cases presents problems of considerable complexity. On reargument, the consideration of appropriate relief was necessarily subordinated to the primary question — the constitutionality of segregation in public education. We have now announced that such segregation is a denial of the equal protection of the laws. In order that we may have the full assistance of the parties in formulating decrees, the cases will be restored to the docket, and the parties are requested to present further argument on Questions 4 and 5 previously propounded by the Court for the reargument this Term. The Attorney General of the United States is again invited to participate. The Attorneys General of the states requiring or permitting segregation in public education will also be permitted to appear as *amici curiae* upon request to do so by September 15, 1954, and submission of briefs by October 1, 1954. It is so ordered.

FOR FURTHER READING

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